

§ 1245.12

§ 1245.12 What are the procedures for certain Polish and Hungarian parolees who are adjusting status to that of permanent resident under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996?

(a) *How do I apply for adjustment of status under this section?* (1) Each person applying for adjustment of status, under section 646(b) of Public Law 104-208, must file a completed Form I-485, Application to Register Permanent Residence or Adjust Status, with the correct filing fee, with the Service director having jurisdiction over the applicant's place of residence.

(2) The application must include Form G-325A, Biographic Information and the results of the medical examination made according to § 232.1 of 8 CFR chapter I and § 1245.5.

(3) The application must include evidence to show the applicant was a national of Poland or Hungary who, after being denied refugee status, was inspected and granted parole into the United States between November 1, 1989, and December 31, 1991.

(4) The applicant must have been physically present in the United States for at least 1 year before filing a Form I-485.

(5) After receiving the Form I-485, the adjudicating Service office will notify each applicant who is 14 years old or older of the time and location for the required fingerprinting.

(b) *How is my application for adjustment of status affected if I leave the United States while my application is still pending?* The departure from the United States by an applicant for adjustment of status must be considered an abandonment of the application, as provided in § 1245.2(a)(4)(ii), unless the applicant was previously granted advance parole for such absence, and was reinspected on returning to the United States.

(c) *Which grounds for inadmissibility do not apply or can be waived?* The provisions of section 212(a) (4), (5), and (7)(A) of the Act will not apply to adjustment of status under § 1245.12. In addition, the director may waive any other ground of inadmissibility except section 212(a)(2)(C) or 212(a)(3)(A), (B), (C), or (E) of the Act, for humanitarian pur-

poses, to ensure family unity, or when it is otherwise in the public interest.

(d) *If my application for adjustment of status is approved under § 1245.12, what date will be recorded as my admission to permanent residence?* On approval of the application for adjustment of status, the date of the applicant's admission to permanent resident status will be the date of the applicant's inspection and parole, as described in paragraph (a) of this section.

[65 FR 20070, Apr. 14, 2000]

§ 1245.13 Adjustment of status of certain nationals of Nicaragua and Cuba under Public Law 105-100.

(a) *Aliens eligible to apply for adjustment.* An alien is eligible to apply for adjustment of status under the provisions of section 202 of Pub. L. 105-100 as amended and without regard to section 241(a)(5) of the Act, if the alien:

(1) Is a national of Nicaragua or Cuba;

(2) Except as provided in paragraph (c) of this section, has been physically present in the United States for a continuous period beginning not later than December 1, 1995, and ending not earlier than the date the application for adjustment is granted, excluding:

(i) Any periods of absence from the United States not exceeding 180 days in the aggregate; and

(ii) Any periods of absence for which the applicant received an Advance Authorization for Parole (Form I-512) prior to his or her departure from the United States, provided the applicant returned to the United States in accordance with the conditions of such Advance Authorization for Parole;

(3) Is not inadmissible to the United States for permanent residence under any provisions of section 212(a) of the Act, with the exception of paragraphs (4), (5), (6)(A), (7)(A) and (9)(B). If available, an applicant may apply for an individual waiver as provided in paragraph (c) of this section;

(4) Is physically present in the United States at the time the application is filed; and

(5) Properly files an application for adjustment of status in accordance with this section.

(b) *Qualified family members*—(1) *Existence of relationship at time of adjustment.*